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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,640	03/30/2004	Takayuki Takimoto	82285	5271
22342 7590 03/14/2008 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER SLITERIS, JOSELYNN Y				
ART UNIT		PAPER NUMBER		
3616				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/812,640

**Applicant(s)**

TAKIMOTO, TAKAYUKI

**Examiner**

JOSELYNN Y. SLITERIS

**Art Unit**

3616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7-10,14,15,18-20,23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,11 and 21 is/are rejected.
- 7) ☒ Claim(s) 12,13,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11/30/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-649)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgement***

1. Examiner acknowledges receipt of applicant's Amendment to the Claims (filed 12/10/07).

### ***Election/Restrictions***

2. Claims 4, 5, 7-10, 14, 15, 18-20, and 23-25 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/06.

### ***Claim Objections***

3. Claims 1, 2, 6, 11, 12, 13, 16, and 17 are objected to because of the following informalities: in claim 1 line 13, "that" should be deleted; in claim 2 line 2, "hole" should be --port--; in claim 12 line 21, "material" should be --tether--. Appropriate correction is required.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 1, the limitations "centrally between the chambers"; and "with the chambers having a mirror-image, symmetrical configuration to each other

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on either side of the one panel portion upon inflation of the airbag body" lack proper antecedent basis in the specification, and as such is considered to be new matter.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 2, 6, and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 1, the limitations "centrally between the chambers"; and "with the chambers having a mirror-image, symmetrical configuration to each other on either side of the one panel portion upon inflation of the airbag body" lack proper antecedent basis in the specification, and as such is considered to be new matter.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (U.S. Patent 6,364,348 B1) in view of Hamada et al. (WO 02/079009 A1).

9. Regarding claim 21, Jang discloses a method of forming an airbag 500 as in the present invention comprising:

- folding one material panel 540 about a first longitudinally extending axis;
- attaching one longitudinally extending edge to an opposite longitudinally extending edge of the one material panel to completely form one elongate airbag chamber having an elongate configuration extending in a longitudinal direction with the one material panel;

- attaching one longitudinally extending edge of another material panel 550 to an intermediate, longitudinally extending portion of the one material panel;

- folding the other material panel 550, 550 about a second longitudinally extending axis parallel to the first longitudinally extending axis;

- tethering the airbag with a portion 541 of the one material panel 540 extending in the longitudinal direction between the airbag chambers to limit inflation thereof in a direction transverse to the longitudinal direction;

- providing a through opening 542 in the material panel portion to vent inflation gas therethrough for substantially uniform airbag inflation.

But Jang does not disclose attaching an opposite longitudinally extending edge of the other material panel to at least one of the attached longitudinally extending edges of the one material panel to completely form another elongate airbag chamber in cooperation with the one material panel with the other airbag chamber having an

elongate configuration extending in the longitudinal direction; the material panel portion being formed between the intermediate, longitudinally extending portion and the attached longitudinally extending edges of the one material panel adjacent to the other material panel; and mounting the airbag to a vehicle pillar to extend longitudinally therealong prior to airbag deployment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to separate the material panel 540 along one of the lines 508 in Figs. 9-11 (see annotations on Fig. 11 attached), since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179. Thereafter, it would have been obvious to one having ordinary skill in the art at the time the invention as made to connect the material panel 540 along seam line 547, since it has been held that forming in one piece an article which has formerly been in two pieces and put together involves only routing skill in the art. In re Larson, 340 F2d 965, 144 USPQ 347, 349 (CCPA 1965). As a result, an edge of the material panel portion 541 and an edge of the material panel 540 separated above would be attached to each other to completely form one elongate airbag chamber having an elongate configuration extending in a longitudinal direction with the one material panel; and the material panel portion 541 would be formed between the intermediate, longitudinally extending portion and the attached longitudinally extending edges of the one material panel adjacent to the other material panel. Further, it would have been obvious to one having ordinary skill in the art at the time the invention as made to connect the two material panels 550 to each

other along the bottom in Fig. 11 to form one piece of material panel, since it has been held that forming in one piece an article which has formerly been in two pieces and put together involves only routing skill in the art. In re Larson, 340 F2d 965, 144 USPQ 347, 349 (CCPA 1965). As a result, an opposite longitudinally extending edge of the other material panel would be attached to at least one of the attached longitudinally extending edges of the one material panel. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to try making the above modifications, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp and the above modification would have yielded predictable results to one of ordinary skill in the art at the time of the invention. KSR International Co. v. Teleflex Inc., 550 U.S. —, 82 USPQ2d 1385 (2007).

Hamada discloses that it is known in the art to mount the airbag to a vehicle pillar to extend longitudinally therealong prior to airbag deployment so that upon airbag deployment, the airbag expands primarily in the direction transverse to the longitudinal direction rather than in the longitudinal direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the airbag of Jang to a vehicle pillar according to the teachings of Hamada, in order to provide pedestrian protection on the exterior of the vehicle.

### ***Response to Arguments***

10. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

11. Claims 1, 2, 6, and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> paragraph and claim objection(s) set forth in this Office action.
12. Claims 12, 13, 16, and 17 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSELYNN Y. SLITERIS whose telephone number is



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(571)272-6675. The examiner can normally be reached on Monday, Tuesday & Thursday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M. Boehler/

Primary Examiner, Art Unit 3611

/Joselynn Y. Sliteris/

Examiner, Art Unit 3616

JYS

2/28/08